

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUL 21 2016

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THUNDER NOLAN KELLUM,

Defendant.

CR 14-95-BLG-SPW


ORDER

On July 6, 2016, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations with respect to the June 21, 2016, petition for revocation of Kellum's supervised release. (Docs. 41 and 32). Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Kellum's admissions to the alleged violations, Judge Osbty recommends his supervised release be revoked. Judge Ostby further recommends that this Court sentence Kellum to five months incarceration followed by 31 months of supervised release to follow. Judge Ostby's Findings and Recommendations are without clear error and hereby adopted in full.

IT IS ORDERED that Kellum's supervised release is revoked.
Judgment will be entered by separate document.

DATED this 21st day of July 2016.


SUSAN P. WATTERS
United States District Judge